

CHAPTER NO. 974

SENATE BILL NO. 2683

**By Cohen, Jackson, Woodson, Tracy, Fowler, Burks, McLeary, Beavers, Black, Bowers, Bryson, Burchett, Cooper, Crowe, Crutchfield, Finney, Harper, Haynes, Herron, Ketron, Kilby, Kurita, Kyle, McNally, Miller, Norris, Curtis S. Person, Jr., Ramsey, Southerland, Williams,
Mr. Speaker Wilder**

Substituted for: House Bill No. 2811

By Winningham, Langster, Cooper, McDaniel, Harrison, Favors, Towns, Brown, DuBois, Marrero, Lois DeBerry, Rowe, Larry Turner, Ulysses Jones, Pruitt, Sontany, Miller, Moore, Windle, Sherry Jones, Mr. Speaker Naifeh, Odom, Matheny, Crider, Eldridge, Harmon, Niceley, Bo Watson, Baird, McDonald, Bone, West, Sargent, Hensley, Henri Brooks, Litz, Gresham, Todd, Fitzhugh, McKee, Roach, Curtis Johnson, Harry Brooks, Eric Watson, Montgomery, Cobb, Rinks, Russell Johnson, Overbey, Phillip Johnson, Strader, Hargett, McCormick, Swafford, Campfield, Armstrong, Tindell, Pleasant, Fraley, John Deberry

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 4, Part 9, relative to postsecondary financial assistance from net lottery proceeds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-4-914(a), is amended by deleting the language "2005-2006" in the third sentence of the subsection and substituting instead the language "2006-2007" and by adding the following sentence between the second and third sentences:

Subject to the amounts appropriated by the general assembly, and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Tennessee HOPE scholarship awarded to a student attending an eligible four-year postsecondary institution shall be three thousand eight hundred dollars (\$3,800) for full-time attendance for the 2006-2007 academic year.

SECTION 2. Tennessee Code Annotated, Section 49-4-914(b), is amended by deleting the language "2005-2006" in the third sentence of the subsection and substituting instead the language "2006-2007" and by adding the following sentence between the second and third sentences:

Subject to the amounts appropriated by the general assembly, and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Tennessee HOPE scholarship awarded to a student attending an eligible two-year postsecondary institution shall be one thousand nine hundred dollars (\$1,900) for full-time attendance for the 2006-2007 academic year.

SECTION 3. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following language as a new, appropriately designated section:

§ 49-4-9__.

(a) Notwithstanding any provision of this part to the contrary, a student who is a Tennessee citizen, and a dependent child of a full-time religious worker, shall be eligible for a Tennessee HOPE scholarship as an entering freshman, if such student meets all eligibility requirements for such scholarship, except that, while the parent is serving in another nation as a religious worker, the student does not reside in Tennessee immediately preceding the date of application for financial assistance and the student does not meet the requirements of § 49-4-905(b)(2). To be eligible under this section, such student shall:

(1) Graduate from a high school in the foreign nation where the student's parent is a religious worker that is accredited by a regional accrediting association as defined by § 49-4-902(24) and meet the academic eligibility requirements of § 49-4-907(3); or

(2) Complete high school in a home school in the foreign nation where the student's parent is a religious worker and meet the academic eligibility requirements of § 49-4-908(2)(A).

(b) As used in this section:

(1) "Dependent child" means a natural or adopted child or stepchild whom the parent, who is a religious worker, claims as a dependent for federal income tax purposes; provided, however, that such child is under twenty-one (21) years of age, and resides in another nation only while the parent is actively engaged in full-time religious work; and

(2) "Religious worker" means a person sent to another country by a church, religious denomination or other religious organization to spread its faith or to do social or medical work.

(c) This section shall only apply to dependent children of religious workers who are engaged in full-time religious work in another nation for more than one (1) year and who were Tennessee residents before leaving the United States to do religious work and intend to return to Tennessee upon completion of their assignment as a religious worker.

SECTION 5. A student may apply for the retroactive award of a Tennessee HOPE scholarship for any semester of the 2005-2006 academic year in which the student would have qualified for a scholarship under this act, had the provisions of this act been in effect during that academic year. TSAC may award the scholarship retroactively, if the student meets all applicable requirements for the scholarship.

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following language as a new, appropriately designated section:

§ 49-4-9__.

(a) Notwithstanding the provisions of § 49-4-905(b)(2) to the contrary, a student who graduates from a high school located in a neighboring state in a county contiguous to this state shall be eligible for a Tennessee HOPE scholarship as an entering freshman, if the student:

(1) Has been a Tennessee resident, as defined by regulations promulgated by the board of regents under § 49-8-104, for one (1) year immediately preceding the date of graduation from high school and remains a Tennessee resident between graduation from high school and enrollment in an eligible postsecondary institution;

(2) Is not ineligible for the scholarship under § 49-4-904;

(3) Attains a composite ACT score of at least 21 on any single ACT test date or a combined SAT score of at least 980 on any single SAT test date;

(4) Applies for a Tennessee HOPE scholarship; and

(5) Is admitted to and enrolls in an eligible postsecondary institution no later than sixteen (16) months after graduation from high school.

(b) If a student meets the eligibility requirements of subsection (a), but chooses to attend a regionally accredited postsecondary institution located outside of Tennessee without a Tennessee HOPE scholarship, then such student shall be eligible for a HOPE scholarship as a transfer student; provided, that the student meets all requirements of § 49-4-929 other than any requirement pertaining to the type of high school from which the student graduated.

(c) A student who is eligible for a Tennessee HOPE scholarship under this section shall not be eligible for a General Assembly Merit Scholar supplemental award under § 49-4-916.

(d) No retroactive award of a Tennessee HOPE scholarship shall be made under this section.

SECTION 7. Tennessee Code Annotated, Section 49-4-921(f), is amended by deleting the language "2005-2006" in the second sentence of the subsection and substituting instead the language "2006-2007" and by adding the following sentence between the first and second sentences:

Subject to the amounts appropriated by the general assembly, and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Wilder-Naifeh technical skills grant awarded under this section shall be one thousand five hundred dollars (\$1,500) for full-time attendance for the 2006-2007 academic year.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 27th day of June 2006


PHIL BREDESEN, GOVERNOR